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11 Attorneys for the United States

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

15 UNITED STATES OF AMERICA) No. CR 05-00543 CW
16 v.)
17) STIPULATION AND PROTECTIVE
18) ORDER RE: DISCOVERY
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18 The United States of America, through Kevin V. Ryan, United States Attorney for the
19 Northern District of California, and through Dana R. Wagner, Assistant United States Attorney,
20 and Tomas Velo-Perez and Ernesto Cabrera, through their respective counsels of record, John
21 Paul Reichmuth and Mark Goldrosen (hereafter "the defendants' attorneys") stipulate to the
22 following.

23 The United States is prepared to provide discovery to the defendants' attorneys
24 concerning the identity of a confidential informant (CI) used in this investigation.

25 Pursuant to Rule of Criminal Procedure 16, good cause exists for entry of a protective
26 order for the above-described discovery, and the disclosure of these materials shall therefore be
27 subject to the following restrictions:

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STIPULATION AND PROTECTIVE ORDER
[CR 05-00543 CW]

1 1. Protected Material

2 The discovery produced in this matter related to the CI is deemed Protected Material.

3 Possession of copies of the Protected Material is limited to the defendants' attorneys, and to any
4 investigators, paralegals, law clerks, experts, or assistants used by the defendants' attorneys in
5 their preparation of this case (hereafter collectively referred to as "the defense team").

6 Defendants' attorneys and the defense team acknowledge that providing copies of the
7 Protected Material to other persons is prohibited, and agree not to duplicate or provide copies of
8 the Protected Material to other persons. Neither defendants' attorneys nor any member of the
9 defense team may show the Protected Material to either defendant, to any witness, or to any
10 prospective witness in conjunction with their defense of the defendants in this case, though they
11 may convey an oral summary of the Protected Material's contents to the defendants. At no time
12 will any copies of the Protected Material be left in the custody of either defendant, of any
13 witness, or of any prospective witness. Defendants' attorneys and the defense team further
14 acknowledge that they are prohibited from using the Protected Material for any purpose other
15 than defending the defendants in this matter. Any violation of these prohibitions constitutes a
16 violation of the Protective Order. Further, the defendants' attorneys agree that prior to
17 disseminating any copies of the Protected Material to members of the defense team, they will
18 provide a copy of this Protective Order to those members.

19 Notwithstanding efforts taken by the government to redact extraneous personal
20 information of the CI from the discovery provided to the defense (such as addresses, phone
21 numbers, etc.), defendants' attorneys and the defense team agree that, should any such
22 information be found during its review of this material, it will not provide that personal
23 information in any form – whether in verbal, written, or electronic format – to any third party,
24 for any reason whatsoever. This Order shall be binding on all subsequent attorneys who
25 represent either defendant in this case and on any other person who becomes a member of the
26 defense team or comes into possession of Protected Material disclosed pursuant to this Order.

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2. Nontermination

The provisions of this Order shall not terminate at the conclusion of this prosecution but only upon further order of this Court. Within 30 days of a verdict or guilty plea of a defendant in this matter, that defendant's attorney shall return all copies of any Protected Material (including all copies provided to any members of the defense team) to the United States Attorney's Office for the Northern District of California.

SO STIPULATED.

DATED: March 30, 2006

/s/
JOHN PAUL REICHMUTH
Attorney for defendant Tomas Velo-Perez

DATED: March 27, 2006

/s/
MARK GOLDROSEN
Attorney for defendant Ernesto Cabrera

DATED: March 30, 2006

/s/
DANA R. WAGNER
Assistant United States Attorney

IT IS SO ORDERED.

Claudia Wilken

DATED: 3/31/06

CLAUDIA WILKEN
United States District Court Judge